

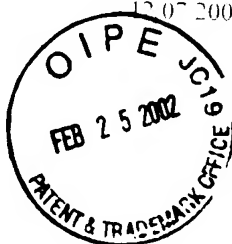


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20230  
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10 007,747	12/07/2001	Lorrie P. Daggett	SD9383CDB

Merck & Co., Inc.  
Patent Department  
RY60-30  
P.O. Box 2000  
Rahway, NJ 07065-0907



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CONFIRMATION NO. 3880

## FORMALITIES LETTER



\*OC000000007239739\*

Date Mailed: 12/28/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch).
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).


- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 C.F.R. 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 C.F.R. 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

In re application of: DAGGETT, ET AL.

Serial No. 10/007,747

Filed December 7, 2001

Group Art Unit 1646

Examiner \_\_\_\_\_

For: HUMAN N-METHYL-D-ASPARTATE RECEPTOR SUBUNITS,  
NUCLEIC ACIDS ENCODING SAME AND USES THEREFOR

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Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

☐ The fee has been calculated as shown below.

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CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>9</u>	-	** <u>20</u> =	<u>0</u> X	\$18	= <u>0.00</u>
Independent Claims	* <u>2</u>	-	*** <u>3</u> =	<u>0</u> X	\$84	= <u>0.00</u>
Multiple Dependent Claims					\$280 ****	= _____
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						0.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

\*\*\*\* Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

Respectfully,

By: Vineet Kohli

Attorney \_\_\_\_\_ for Applicant(s)

Reg. No. 37,003

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732) 594-3889

Date: 2/11/02

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

By: Date 2/11/02

MERCK & CO., INC.

IN DUPLICATE

# FEE TRANSMITTAL

Patent fees are subject to annual revision

Complete if Known

Application Number 10/007,747  
Filing Date December 7, 2001  
First Named Inventor Daggett, et al.  
Examiner Name  
Group Art Unit 1646  
Attorney Docket Number SD9383CDB

TOTAL AMOUNT OF PAYMENT

\$130

## METHOD OF PAYMENT (Check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 13-2755

Deposit Account Name Merck & Co., Inc.

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. ☐ Payment Enclosed

☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	130
147	2,520	For filing a request for reexamination	
115	110	Extension for reply within first month	
116	400	Extension for reply within second month	
117	920	Extension for reply within third month	
118	1,440	Extension for reply within fourth month	
128	1,960	Extension for reply within fifth month	
119	320	Notice of Appeal	
120	320	Filing a brief in support of an appeal	
121	280	Request for oral hearing	
140	110	Petition to revive - unavoidable	
141	1,280	Petition to revive - unintentional	
142	1,280	Utility issue fee (or reissue)	
143	460	Design issue fee	
122	130	Petitions to the Commissioner	
123	50	Petitions related to provisional applications	
126	180	Submission of Information Disclosure Statement	
581	40	Recording each patent assignment per property (times number of properties)	
146	740	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	Request for Continued Examination (RCE)	
		Other fee (specify):	
		Other fee (specify):	
SUBTOTAL(3)			\$130

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	Utility filing fee	
106	330	Design filing fee	
108	740	Reissue filing fee	
114	160	Provisional filing fee	
SUBTOTAL(1)			\$0

### 2. EXTRA CI

	Extra	Fee from below	Fee Paid
Total Claims 20 ** = 0 x \$18 = 0			
Independent Claims 3 ** = 0 x \$84 = 0			
Multiple Dependent		\$280 =	

\*\*or number previous; if greater. For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
103	18	Claims in excess of 20
102	84	Independent claims in excess of 3
104	280	Multiple dependent claim, if not paid
109	84	**Reissue independent claims over original patent
110	18	**Reissue claims in excess of 20 and over original patent
SUBTOTAL(2)		\$0

## SUBMITTED BY

Complete (if applicable)

Typed or Printed Name Vincent Kohl

Reg. Number 37,003

Signature

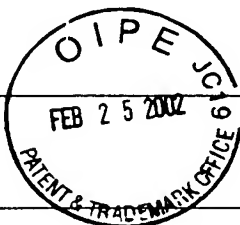
*Vincent Kohl*

Date

2/11/02

Deposit Account User ID

Application Number: 10/007,747  
Filing Date: 12/07/2001  
First Named Inventor: Daggett, et al.  
Group Art Unit: 1646  
Examiner Name: \_\_\_\_\_  
Attorney Docket Number: SD9383CDB



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### FIRST CLASS MAIL CERTIFICATE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE APPEARING BELOW.

**MERCK & CO., INC.**

MAILED BY

Nancy E. Yoke

DATE

2/11/02

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# FEE TRANSMITTAL

FEB 25 2002

Patent fees are subject to annual revision

Complete if Known

TOTAL AMOUNT OF PAYMENT

\$130

Application Number 10/007,747  
Filing Date December 7, 2001  
First Named Inventor Daggett, et al.  
Examiner Name  
Group Art Unit 1646  
Attorney Docket Number SD9383CDB

## METHOD OF PAYMENT (Check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number 13-2755

Deposit Account Name Merck & Co., Inc.

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	Utility filing fee	
106	330	Design filing fee	
108	740	Reissue filing fee	
114	160	Provisional filing fee	
SUBTOTAL(1)			\$0

### 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims	20	0 x \$18 =	0
Independent Claims	3	0 x \$84 =	0
Multiple Dependent Claims		\$280 =	

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
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102	84	Independent claims in excess of 3
104	280	Multiple dependent claim, if not paid
109	84	**Reissue independent claims over original patent
110	18	**Reissue claims in excess of 20 and over original patent

SUBTOTAL(2) \$0

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	130
147	2,520	For filing a request for reexamination	
115	110	Extension for reply within first month	
116	400	Extension for reply within second month	
117	920	Extension for reply within third month	
118	1,440	Extension for reply within fourth month	
128	1,960	Extension for reply within fifth month	
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121	280	Request for oral hearing	
140	110	Petition to revive - unavoidable	
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142	1,280	Utility issue fee (or reissue)	
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126	180	Submission of Information Disclosure Statement	
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146	740	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	Request for Continued Examination (RCE)	
Other fee (specify)			
Other fee (specify)			
SUBTOTAL(3)			\$130

## SUBMITTED BY

Complete (if applicable)

Typed or Printed Name Vineet Kohli

Reg. Number 37,003

Signature

Date

2/11/02

Deposit Account User ID



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PATENT

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Nancy E. Yorke  
Name

Nancy E. Yorke  
Signature

2/11/02  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daggett, et al.

Serial No.: 10/007,747 - Case No.: SD9383CDB

Filed: December 7, 2001

For: HUMAN N-METHYL-D-ASPARTATE RECEPTOR  
SUBUNITS, NUCLEIC ACIDS ENCODING SAME  
AND USES THEREFOR

Art Unit:

1646

Examiner: Unknown

Examiner (Parent):

J. Ulm

Assistant Commissioner for Patents  
Washington, D.C. 20231

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS  
(37 CFR 1.28(b))

Sir:

Applicant hereby notifies the United States Patent & Trademark Office that it is no longer entitled to status as a small entity.

Respectfully submitted,

By Vineet Kohli

Vineet Kohli

Reg. No. 37,003

Attorney for Applicant

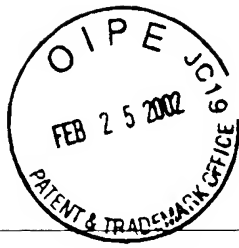
MERCK & CO., INC.

P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-3889

Date: 2/14/02



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PATENT

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Nancy E. Yorke  
Name

Nancy E. Yorke  
Signature

2/11/02  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daggett, et al.

Serial No.: 10/007,747 - Case No.: SD9383CDB

Filed: December 7, 2001

For: HUMAN N-METHYL-D-ASPARTATE RECEPTOR  
SUBUNITS, NUCLEIC ACIDS ENCODING SAME  
AND USES THEREFOR

Art Unit:  
1646

Examiner: Unknown  
Examiner (Parent):  
J. Ulm

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO COMPLY UNDER 37 C.F.R. §1.821(e)**

Sir:

Responsive to the outstanding Notice to File Missing Parts dated December 28, 2001, in the above identified application, having a TWO (2) month period for response which expires February 28, 2002. Applicants respectfully request that the Examiner consider the following remarks.

**REMARKS**

*Sequence Listing*

The receipt of the Notice to Comply is hereby acknowledged.

In response thereto, Applicants respectfully submit that the paper copy of the Sequence Listing in this application, Serial No. 10/007,747 is identical to that filed in Serial No.



09/648,797, each of which is identical to the computer readable copy of the Sequence Listing filed in application Serial No. 08/940,086, now U.S. Patent No. 6,111,091. The present application is a DIVISIONAL of the above application ('797). The Sequence Listing on 08/940,086 was submitted on March 5, 1999.

In accordance with 37 CFR 1.821(e), Applicants respectfully request that the computer readable form (CRF) filed in application Serial No. 08/940,086 be used as the computer readable form (CRF) for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing, which was included in the originally filed specification of the instant application, is appended hereto.

The undersigned, who is the attorney in charge of this case, hereby states that, to the best of his knowledge, the information on this attached paper copy is identical to the sequence in the subject application, as well as on the CRF submitted to the United States Patent and Trademark Office on March 5, 1999. To the best of the undersigned's knowledge, no new matter is presented.


A copy of the original oath is enclosed as required by the Notice to File Missing parts.

With respect to the requirement for filing substitute drawings, formal drawings will be filed upon receipt of a Notice of Allowance.

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Any additional fees required in connection with this submission may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

By   
Vineet Kohli  
Reg. No. 37,003  
Attorney for Applicant

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-3889

Date: 2/11/02

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# REMARKS


By this amendment, Applicants have deleted at least two inventors pursuant to 37 C.F.R. § 1.48(b).

It is believed that the instant claims contain patentable subject matter and a notice to that effect is earnestly solicited.

Any fees that may be due in connection with the filing of this paper of application may be charged to Deposit Account No. 13-2755.

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Respectfully submitted,

By 

Vineet Kohli  
Reg. No. 37,003  
Attorney for Applicant

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-3889

Date: 2/11/02